

Donald J. Kennedy
Gary D. Sesser
Laura A. Reeds
CARTER LEDYARD & MILBURN LLP
2 Wall Street
New York, NY 10005
Tel: (212) 732-3200
Fax: (212) 732-3232
Attorneys For Defendant Regalindo Resources Pte Ltd.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	
SEATREK TRANS PTE LTD.,	:
	:
	:
Plaintiff,	:
	:
	:
v.	:
	:
REGALINDO RESOURCES PTE LTD.,	:
	:
	:
Defendant.	:
-----X	

08 CIV 00551 (LAP)

**SUPPLEMENTAL AFFIDAVIT
OF DONALD J. KENNEDY**

STATE OF NEW YORK)
 : ss.:
COUNTY OF NEW YORK)

Donald J. Kennedy, being duly sworn, deposes and says:

1. I am a member of the law firm of Carter Ledyard & Milburn LLP, counsel for the defendant, Regalindo Resources Pte Ltd. ("Regalindo"). I submit this supplemental affidavit in support of Regalindo's motion to vacate the process of maritime attachment and garnishment issued herein and to dismiss the complaint.

Service

2. Counsel for the garnishee, Bank of New York Mellon (“BNYM”), by letter dated March 14, 2008, a copy of which is attached as Exhibit A with attachments, confirms that BNYM was served with Process of Maritime Attachment and Garnishment on February 4, 5 and 6, 2008 and the particular wire transfer was received by BNYM at 3:33 a.m. on February 5, 2008. Counsel for BNYM, Kevin L. McGee, informed me that he could not determine at what time the BNYM was served with process on February 4, 5 and 6, 2008.

3. Counsel for BNYM in a follow up email dated March 14, 2008, a copy of which is attached as Exhibit B, forwarded the service of process details which were omitted from his earlier correspondence.

The “Agreement”

4. Counsel for Seatrek Trans Pte Ltd. in their Memorandum of Law in Opposition to Defendant’s Order to Show Cause dated March 10, 2008, stated in part on page 3:

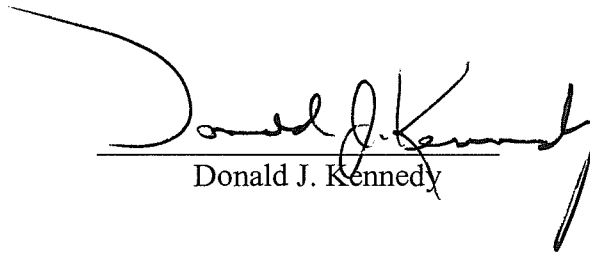
BONY (like many other Clearing House banks) has an established policy to accept service of Rule B attachment orders, after the first hand delivery, by means of e-mail or fax, and to treat such service as effective throughout each business day on which service is made. Aff. ¶ 7. Thereafter, pursuant to BONY’s agreement with Seatrek’s counsel, daily service was made by electronic means. Aff. ¶ 8. (underscoring added)

5. On March 14, 2008, I sent an email to counsel for the Bank of New York Mellon requesting that he provide me with a copy of the agreement between BNYM and Seatrek’s counsel referenced in their Memorandum of Law (Ex. C).

6. On March 18, 2008, counsel for the BNYM, Kevin L. McGee of the law firm of Rawle & Hendersen, LLP responded in part:

There was/is no written agreement between plaintiff's counsel and the Bank with regard to daily service of process. However, as is The Bank of New York Mellon's standard practice, where the Court's original Order permits facsimile service of process, the Bank will accept supplemental service of Process via facsimile (Ex. D).

Dated: New York, New York
March 20, 2008



Donald J. Kennedy

Sworn to before me this
20th day of March, 2008



NOTARY PUBLIC

MARITZA LEON
Notary Public, State of New York
No. 01LE6003817
Qualified in Nassau County
Commission Expires March 9, 2010

EXHIBIT A

RAWLE & HENDERSON LLP

CARL D. BUCHHOLZ, III
215-575-4235
cbuchholz@rawle.com

KEVIN L. MCGEE
215-575-4431
kmcgee@rawle.com



THE WIDENER BUILDING
ONE SOUTH PENN SQUARE
PHILADELPHIA, PA 19107

TELEPHONE: (215) 575-4200
FACSIMILE: (215) 563-2583

March 14, 2008

Via E-Mail: kennedy@clm.com

Donald J. Kennedy, Esquire
Carter Ledyard & Milburn LLP
Two Wall Street
New York, New York 10005-2072

**RE: Seatrek Trans Pte. Ltd. v. Regalindo Resources Pte. Ltd.
 U.S.D.C. for the Southern District of New York No. 08-Civ-551 (LAP)
 Our File: 442,183-473**

Dear Mr. Kennedy:

We represent The Bank of New York Mellon as garnishee with regard to the Process of Maritime Attachment and Garnishment (PMAG) in the above captioned matter.

Pursuant to the requests set forth in the Order to Show Cause issued by Judge Preska on February 25, 2008, and in lieu of a more formal response, we attach the following information:

- 1) Copies of the PMAG which were served by fax upon The Bank of New York Mellon by attorneys for plaintiff on February 4, 5, and 6, 2008; and
- 2) A copy of the wire transfer details dated February 5, 2008, for the transfer of \$249,975.00 from Regalindo Resources Pte. Ltd. to Bank Nisp, Pt.; said funds having been restrained by The Bank of New York pursuant to the PMAG which was served upon the Bank.

According to the wire transfer details, this particular wire was received by The Bank of New York Mellon at 3:33 AM on February 5, 2008.

Please be advised that as the garnishee, The Bank of New York Mellon takes no position, one way or the other, with regard to the underlying dispute between plaintiff and defendant regarding this restraint. Rather, as the Bank had been served with a PMAG, the Bank was simply carrying out its court mandated obligation in restraining any assets of the named defendant which were in,

Donald J. Kennedy, Esquire
March 6, 2008
Page 2

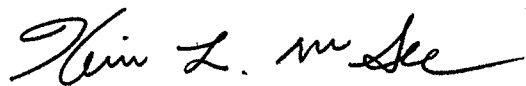
or passed through the Bank. As such, unless otherwise requested by the Court or the parties, we will not be attending the hearing which is presently scheduled for March 25, 2008.

In the meantime, in fulfilling its obligations to the Court pursuant to the PMAG, The Bank of New York will continue to restrain the funds in question until such time that it is ordered by the Court to do otherwise.

Should you have any questions, please do not hesitate to contact us.

Very truly yours,

RAWLE & HENDERSON LLP

A handwritten signature in black ink, appearing to read "Kevin L. McGee". The signature is fluid and cursive, with the first name "Kevin" being the most prominent part.

By:

Carl D. Buchholz, III
Kevin L. McGee

CDB/KLM/
Enclosures

cc: Jeremy J.O. Harwood, Esquire (via e-mail: JHarwood@BlankRome.com)
Erin Schembri (via e-mail: erin.schembri@bnymellon.com)
Robyn Monaco (via e-mail: robyn.monaco@bnymellon.com)

Kevin McGee

<p>Debit Party DEP CHIPS DB: [REDACTED] HSBC BANK USA 140 BROADWAY 12TH FL NEW YORK, N.Y. 10005-1180</p>	<p>Debit Party Source TRN 1 [REDACTED]</p>
<p>Ordering Customer ORG: REGALINDO RESOURCES PTE LTD 1 NORTH BRIDGE ROAD 16-08 HIGH STREET CENTRE PC:179094</p>	<p>Ordering Customer Source 2 [REDACTED] Name: REGALINDO RESOURCES PTE LTD Addr 1: 1 NORTH BRIDGE ROAD Addr 2: 16-08 Addr 3: HIGH STREET CENTRE PC:179094</p>
<p>Ordering Bank OGB: HSBC SINGAPORE GENERAL ACCOUNT FINANCIAL CONTROL DIV RECON SECTION 21 COLLYER QUAY 15-01 HSBC BLDG SINGAPORE 049320</p>	<p>Ordering Bank Source 3 [REDACTED] Name: HSBC SINGAPORE GENERAL ACCOUNT Addr 1: FINANCIAL CONTROL DIV RECON SECTION Addr 2: 21 COLLYER QUAY 15-01 HSBC BLDG Addr 3: SINGAPORE 049320</p>

INS :	
<p>Credit Party</p> <p>DEP</p> <p>CHIPS</p> <p>CR: [REDACTED]</p> <p>BANK NISP, PT</p> <p>BANK NISP TOWER</p> <p>JL PROF DR SATRIO KAV 25</p> <p>JAKARTA 12940, INDONESIA</p>	<p>Credit Party Source</p> <p>TRN</p> <p>4 [REDACTED]</p> <p>[REDACTED]</p> <p>BANK NISP, PT</p> <p>BANK NISP TOWER</p> <p>JL PROF DR SATRIO KAV 25</p> <p>JAKARTA 12940, INDONESIA</p>
<p>Account With Party</p> <p>BBK:</p>	<p>Account With Party Source</p> <p>5</p>
<p>Beneficiary</p> <p>BNF:</p>	<p>Beneficiary Source</p> <p>6</p>

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PT BANKOCBC-BANK NISP A/C
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Details of Payment

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Details of Payment Source

TRN

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Bank to Bank Information

BBI:

BBK INFO: IN CVR OF THE
DIRECT PAYM


ENT REFERENCE 036346368

Bank to Bank Information Source

8

BBK INFO: IN CVR OF THE DIRECT
PAYM

ENT REFERENCE 036346368

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SOURCE:

SWIFT 21:

SWIFT 21
SOURCE:

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Kevin McGee

<p>Debit Party DEP CHIPS DB: [REDACTED] HSBC BANK USA 140 BROADWAY 12TH FL NEW YORK, N.Y. 10005-1180</p>	<p>Debit Party Source TRN 1 [REDACTED]</p>
<p>Ordering Customer ORG: REGALINDO RESOURCES PTE LTD 1 NORTH BRIDGE ROAD 16-08 HIGH STREET CENTRE PC:179094</p>	<p>Ordering Customer Source 2 [REDACTED] Name: REGALINDO RESOURCES PTE LTD Addr 1: 1 NORTH BRIDGE ROAD Addr 2: 16-08 Addr 3: HIGH STREET CENTRE PC:179094</p>
<p>Ordering Bank OGB: HSBC SINGAPORE GENERAL ACCOUNT FINANCIAL CONTROL DIV RECON SECTION 21 COLLYER QUAY 15-01 HSBC BLDG SINGAPORE 049320</p>	<p>Ordering Bank Source 3 [REDACTED] Name: HSBC SINGAPORE GENERAL ACCOUNT Addr 1: FINANCIAL CONTROL DIV RECON SECTION Addr 2: 21 COLLYER QUAY 15-01 HSBC BLDG Addr 3: SINGAPORE 049320</p>

INS :

Credit Party
DEP

CHIPS

CR:

BANK NISP, PT

BANK NISP TOWER

JL PROF DR SATRIO KAV 25

JAKARTA 12940, INDONESIA

Credit Party Source
TRN

4

BANK NISP, PT

BANK NISP TOWER

JL PROF DR SATRIO KAV 25

JAKARTA 12940, INDONESIA

Account With Party
BBK:

Account With Party Source

5

Beneficiary
BNF:

Beneficiary Source

6

CR ADV

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***** NONE

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*****CAUTION*
*****DO NOT CONFUSE WITH
PT BANKOCBC-BANK NISP A/C
#8900331151

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***** NONE *****

SI

Details of Payment
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CHIPS

OBI:

Details of Payment Source
TRN

7

Bank to Bank Information
BBI:BBK INFO: IN CVR OF THE
DIRECT PAYM

ENT REFERENCE 036346368

Bank to Bank Information Source
8BBK INFO: IN CVR OF THE DIRECT
PAYM

ENT REFERENCE 036346368

SWIFT 20: [REDACTED]

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SOURCE:

SWIFT 21:

SWIFT 21
SOURCE:

AMT 249,975.00

FUNDS
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ASN 09210

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OF
CHGS

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STATUS
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INSER
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2008 / 02
/ 05

EXHIBIT B

Kennedy, Donald

From: Kevin McGee [KMcGee@rawle.com]
Sent: Friday, March 14, 2008 3:50 PM
To: Kennedy, Donald
Cc: jharwood@blankrome.com; erin.schembri@bnymellon.com; robyn.monaco@bnymellon.com
Subject: FW: Seatrek Trans Pte. Ltd. v. Regalindo Resources Pte. Ltd. - SDNY 08-551 - R&H File No. 442,183-473
Importance: High
Attachments: Seatrek - Service of Process.pdf; (2323877 - 1) - BNYM_3-6-08_ltr_kennedy - #473.DOC; Seatrek - Redacted Wire details.pdf; Seatrek - Redacted Wire details.pdf

Service of Process details as mentioned in previous correspondence -

<<Seatrek - Service of Process.pdf>>

Very Respectfully,

Kevin L. McGee, Esquire
Rawle & Henderson, LLP
The Widener Building
One South Penn Square
Philadelphia, PA 19107
215-575-4431 - Phone
215-563-2583 - Fax

-----Original Message-----

From: Kevin McGee
Sent: Friday, March 14, 2008 3:48 PM
To: 'Kennedy@clm.com'
Cc: jharwood@blankrome.com; 'erin.schembri@bnymellon.com'; 'robyn.monaco@bnymellon.com'
Subject: Seatrek Trans Pte. Ltd. v. Regalindo Resources Pte. Ltd. - SDNY 08-551 - R&H File No. 442,183-473
Importance: High

<<(2323877 - 1) - BNYM_3-6-08_ltr_kennedy - #473.DOC>> <<Seatrek - Redacted Wire details.pdf>> <<Seatrek - Redacted Wire details.pdf>>

Very Respectfully,

Kevin L. McGee, Esquire
Rawle & Henderson, LLP
The Widener Building
One South Penn Square
Philadelphia, PA 19107
215-575-4431 - Phone
215-563-2583 - Fax

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3/19/2008

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**FAX TRANSMITTAL FORM**

Date: February 4, 2008

Re: Seatrek Trans PTE Ltd., v. Regalindo Resources PTE Ltd.,
S.D.N.Y. 08 CIV. 531 (LAP) - OUR REF. NO 129054-00601

	TO:	BANK:	FAX NO.:	CONFIRMATION NO.:
1.	P. McElveen/S. Sterling	ABN Amro Bank	(212) 409-7303	(212) 409-1601
2.	Unaddressed	The Bank of New York	(212) 693-5042	(732) 622-1063
3.	Walter Petzinger	Dresdner Bank AG	(212) 969-7844	
4.	Unaddressed	JP Morgan Chase	(917) 464-8069	(212) 552-6732
5.	Jessica Sperando	HSBC	(212) 382-7593	(716) 841-2796
6.	Ying Wang	Bank of China	(212) 832-5953	(212) 955-3101 ext. 355

From:	Jeremy J.O Harwood
Phone:	(212) 885-5149
Fax:	(917) 332-3720
Email:	jharwood@blankrome.com
Atty No.:	05019

# of Pages: (include cover)	6
Client/Matter #:	129054-00601

ORIGINAL:	WHEN COMPLETED:
Will Follow	Call For Pickup:
Will Not Follow: <input checked="" type="checkbox"/>	Send Interoffice: <input checked="" type="checkbox"/>

COVER MESSAGE:

Dear Ladies and Gentlemen:

Pursuant to the attached Order of the Court, we are serving the attached Process of Maritime Attachment and Garnishment concerning the above-referenced matter as initial hand service was effected on or about January 25, 2008. Kindly notify me if any funds are attached as a result.

Very truly yours,

Jeremy J.O. Harwood

CONFIDENTIALITY NOTE:

The documents accompanying this fax transmission contain information, which may be confidential and/or legally privileged, from the law firm of Blank Rome LLP. The information is intended only for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this faxed information is strictly prohibited, and that the documents should be returned to this firm immediately. If you have received this in error, please notify us by telephone immediately at the number listed above, collect, so that we may arrange for the return of the original documents to us at no cost to you. The unauthorized disclosure, use, or publication of confidential or privileged information inadvertently transmitted to you may result in criminal and/or civil liability.

TRANSMITTED BY:	DATE SENT:	TIME SENT:	TIME CALLED:
BUSY:	NO ANSWER:	WRONG NUMBER:	NO CONNECTION:

405 Lexington Avenue New York NY 10174-0208
212 885 5001 Fax 212 885 5001

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Feb 26 2008 03:01pm P003/018

Fax 2126935041

BNB

[Handwritten signature]
ORIGINAL

BLANK ROME, LLP
Attorneys for Plaintiff
Jeremy J.O. Harwood (JH 9012)
405 Lexington Avenue
The Chrysler Building
New York, NY 10174
(212) 885-5000

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SEATREK TRANS PTE LTD.,

Plaintiff,

v.

REGALINDO RESOURCES PTE LTD.,

Defendant.

07 Civ. 551 (LAP)

ORDER DIRECTING CLERK
TO ISSUE PROCESS OF
MARITIME ATTACHMENT
AND GARNISHMENT

2008 FEB -4 P 12:00

Upon reading and filing the Verified Complaint of Plaintiff, SEATREK TRANS PTE LTD ("Plaintiff"), verified on January 22, 2008 by Jeremy J.O. Harwood, Esq., that to the best of his information and belief, the Defendant REGALINDO RESOURCES PTE LTD., cannot be found within this district, and the Court having found that the conditions required by Rule B(1) of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure exist,

NOW, upon motion of Blank Rome LLP, attorneys for Plaintiff, it is hereby,

ORDERED, that the Clerk of this Court is authorized to issue the Process of Maritime Attachment and Garnishment against all assets, cash, funds, credits, wire transfers, accounts, letters of credit, electronic fund transfers, freights, sub-freights,

900200.00001/6610486v.1

charter hire, sub-charter hire, or any other tangible and/or intangible assets belonging to, due, claimed by, being held for or on behalf of, or being transferred for the benefit of Defendant, including, but not limited to any such assets as may be in the possession, custody or control of, or being transferred through any garnishee within this District, including, without limitation, assets held by or at:

1. The Bank of New York
2. Bank of America
3. JP Morgan Chase
4. ABN Amro Bank
5. American Express Bank
6. Barclay's Bank
7. BNP Paribas
8. Citibank
9. Deutsche Bank and/or Deutsche Bank Trust Co. Americas
10. Dresdner Bank AG
11. HSBC Bank USA
12. Bank of China

and said Order being equally applicable with respect to the issuance and service of additional Writs of Maritime Attachment and Garnishment upon any garnishees in this district not named herein, in an amount up to and including \$3,777,200 pursuant to Rule B of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure; and it is further

ORDERED, that any person claiming an interest in the property attached or garnished pursuant to said Order shall, upon application to the Court, be entitled to a prompt hearing at which the Plaintiff shall be required to show why the attachment and garnishment should not be vacated or other relief granted; and it is further

ORDERED, that supplemental process enforcing the Court's Order may be issued by the Clerk upon application without further Order of the Court; and it is further

ORDERED, that following initial service by the United States Marshal or other designated process server upon each garnishee, supplemental service of the Process of Maritime Attachment and Garnishment, as well as this Order, may be made by way of facsimile transmission or email to each garnishee and, it is further,


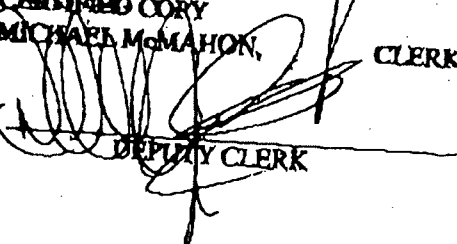
ORDERED, that service on any garnishee as described above is deemed continuous throughout the day from the time of such service through the opening of the garnishee's business the next business day; and, it is further,

ORDERED, that pursuant to Federal Rule of Civil Procedure 5(b)(2)(D), each garnishee may consent, in writing, to accept service by any other means; and, it is further,

ORDERED, that a copy of this Order be attached to and served with the said Process of Maritime Attachment and Garnishment.

Dated: January 23, 2008

SO ORDERED:


A CERTIFIED COPY
J. MICHAEL McMAHON, CLERK
BY  DEPUTY CLERK

3466611
900200 00001/6610486v.1

3

SCHEDULE A

1. The Bank of New York
2. Bank of America
3. JP Morgan Chase
4. ABN Amro Bank
5. American Express Bank
6. Barclay's Bank
7. BNP Paribas
8. Citibank
9. Deutsche Bank and/or Deutsche Bank Trust Co. Americas
10. Dresdner Bank AG
11. HSBC Bank USA
12. Bank of China

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900200.00001/6610486v.1

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08 Civ. 00551 (LAP)
Docket No.

THE PRESIDENT OF THE UNITED STATES OF AMERICA

To the Marshal of the Southern District of New York - GREETINGS

WHEREAS, a complaint has been filed in the United States District Court for the Southern District of New York on the 22nd day of January, 2008 by

SEATREK TRANS PTE LTD.,

Plaintiff,

-against-

REGALINDO RESOURCES PTE LTD.,

Defendant

in a certain action for breach of a charter party alleging to be due and owing the said Plaintiff the amount of US\$3,777,200 and praying for process of maritime attachment and garnishment against the said Defendant, and

WHEREAS, this process is issued pursuant to such prayer and requires that each garnishee shall serve its answer, together with answers to any interrogatories served with the complaint, within 20 days after service of process upon it and requires that each defendant shall serve its answer within 30 days after process has been executed, whether by attachment of property or service on the garnishee.

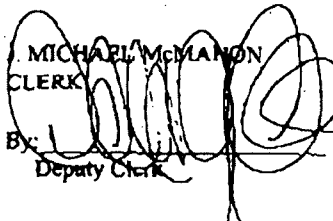
NOW, THEREFORE, we do hereby command you that if the said Defendant cannot be found within the District you attach goods and chattels to the amount sued for; and if such property cannot be found that you attach credits and effects to the amount sued for, in the hands of garnishees in this district

(1) The Bank of New York; (2) Bank of America; (3) JP Morgan Chase; (4) ABN Amro Bank; (5) American Express Bank; (6) Barclay's Bank; (7) BNP Paribas; (8) Citibank; (9) Deutsche Bank and/or Deutsche Bank Trust Co. Americas; (10) Dresdner Bank AG; (11) HSBC Bank and (12) Bank of China;

to wit: cash, funds, freight, hire, credits and owing up to the total sum of US\$3,777,200 and any other property in whatever form belonging to defendant, including but not limited to electronic fund transfers originated by, payable to or otherwise for the benefit of defendant, whether to or from Defendant's foreign banks, or any other electronic fund transfers and that you promptly after execution of this process, file the same in this Court, with your return thereon.

WITNESS, the Honorable Kimba M. Wood, Chief Judge of said Court, this 23rd day of January, 2008, in the year of our Lord two thousand eight, and of our Independence the two hundred and thirty first.

BLANK ROME, LLP
Jeremy Harwood (JH 9012)
The Chrysler Building
405 Lexington Avenue
New York, NY 10174
(212) 885-5149
Attorneys for Plaintiff

MICHAEL McMANON
CLERK
BY: 
Deputy Clerk

NOTE: This Process is issued pursuant to Rule B(1) of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure.

SDNY Form No. 2, PROCESS OF MARITIME ATTACHMENT AND GARNISHMENT

900200.00001/6544350v.1

**FAX TRANSMITTAL FORM**

Date: February 5, 2008

Re: **Seatrek Trans PTE Ltd., v. Regalindo Resources PTE Ltd.,**
S.D.N.Y. 08 CIV. 531 (LAP) - OUR REF. NO 129054-00601

	TO:	BANK:	FAX NO.:	CONFIRMATION NO.:
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3.	Walter Petzinger	Dresdner Bank AG	(212) 969-7844	
4.	Unaddressed	JP Morgan Chase	(917) 464-8069	(212) 552-6732
5.	Jessica Sperando	HSBC	(212) 382 7593	(716) 841-2796
6.	Ying Wang	Bank of China	(212) 832-5953	(212) 935-3101 ext. 355

From:	Jeremy J.O Harwood
Phone:	(212) 885-5149
Fax:	(917) 332-3720
Email:	JHarwood@blankrome.com
Atty No.:	05019

# of Pages:	6
(include cover)	
Client/Matter #:	129054-00601

ORIGINAL:		WHEN COMPLETED:	
Will Follow:		Call For Pickup:	
Will Not Follow:	x	Send Interoffice:	x

COVER MESSAGE:

Dear Ladies and Gentlemen:

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Very truly yours,

Jeremy J.O. Harwood

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TRANSMITTED BY:	DATE SENT:	TIME SENT:	TIME CALLED:
BUSY:	NO ANSWER:	WRONG NUMBER:	NO CONNECTION:

405 Lexington Avenue, New York, NY 10174-0208
 212.885.5000 Fax: 212.885.5001

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Feb 26 2008 03:02pm P009/0/18

Fax 2126935041

BNB

(F. Ross)
ORIGINAL

BLANK ROME, LLP
Attorneys for Plaintiff
Jeremy J.O. Harwood (JH 9012)
405 Lexington Avenue
The Chrysler Building
New York, NY 10174
(212) 885-5000

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SEATREK TRANS PTE LTD.,

Plaintiff,

v.

REGALINDO RESOURCES PTE LTD.,

Defendant.

07 Civ. 551 (LAP)

**ORDER DIRECTING CLERK
TO ISSUE PROCESS OF
MARITIME ATTACHMENT
AND GARNISHMENT**

Upon reading and filing the Verified Complaint of Plaintiff, SEATREK TRANS PTE LTD ("Plaintiff"), verified on January 22, 2008 by Jeremy J.O. Harwood, Esq., that to the best of his information and belief, the Defendant REGALINDO RESOURCES PTE LTD., cannot be found within this district, and the Court having found that the conditions required by Rule B(1) of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure exist,

NOW, upon motion of Blank Rome LLP, attorneys for Plaintiff, it is hereby,

ORDERED, that the Clerk of this Court is authorized to issue the Process of Maritime Attachment and Garnishment against all assets, cash, funds, credits, wire transfers, accounts, letters of credit, electronic fund transfers, freights, sub-freights,

900200 00001/6610486v.1

charter hire, sub-charter hire, or any other tangible and/or intangible assets belonging to, due, claimed by, being held for or on behalf of, or being transferred for the benefit of Defendant, including, but not limited to any such assets as may be in the possession, custody or control of, or being transferred through any garnishee within this District, including, without limitation, assets held by or at:

1. The Bank of New York
2. Bank of America
3. JP Morgan Chase
4. ABN Amro Bank
5. American Express Bank
6. Barclay's Bank
7. BNP Paribas
8. Citibank
9. Deutsche Bank and/or Deutsche Bank Trust Co. Americas
10. Dresdner Bank AG
11. HSBC Bank USA
12. Bank of China

and said Order being equally applicable with respect to the issuance and service of additional Writs of Maritime Attachment and Garnishment upon any garnishees in this district not named herein, in an amount up to and including \$3,777,200 pursuant to Rule B of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure; and it is further

ORDERED, that any person claiming an interest in the property attached or garnished pursuant to said Order shall, upon application to the Court, be entitled to a prompt hearing at which the Plaintiff shall be required to show why the attachment and garnishment should not be vacated or other relief granted; and it is further

SCHEDULE A

1. The Bank of New York
2. Bank of America
3. JP Morgan Chase
4. ABN Amro Bank
5. American Express Bank
6. Barclay's Bank
7. BNP Paribas
8. Citibank
9. Deutsche Bank and/or Deutsche Bank Trust Co. Americas
10. Dresdner Bank AG
11. HSBC Bank USA
12. Bank of China

3456611
900200.00001/6610486v.1

08 Civ. 00551 (LAP)
Docket No.

THE PRESIDENT OF THE UNITED STATES OF AMERICA

To the Marshal of the Southern District of New York - GREETINGS:

WHEREAS, a complaint has been filed in the United States District Court for the Southern District of New York on the 22nd day of January, 2008 by

SEATREK TRANS PTE LTD.,

Plaintiff,

-against-

REGALINDO RESOURCES PTE LTD.,

Defendant

in a certain action for breach of a charter party alleging to be due and owing the said Plaintiff the amount of US\$3,777,200 and praying for process of maritime attachment and garnishment against the said Defendant, and

WHEREAS, this process is issued pursuant to such prayer and requires that each garnishee shall serve its answer, together with answers to any interrogatories served with the complaint, within 20 days after service of process upon it and requires that each defendant shall serve its answer within 30 days after process has been executed, whether by attachment of property or service on the garnishee.

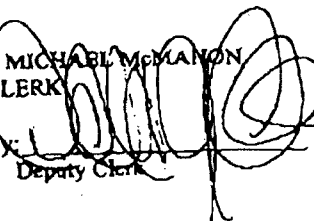
NOW, THEREFORE, we do hereby command you that if the said Defendant cannot be found within the District you attach goods and chattels to the amount sued for; and if such property cannot be found that you attach credits and effects to the amount sued for, in the hands of garnishees in this district

(1) The Bank of New York; (2) Bank of America; (3) JP Morgan Chase; (4) ABN Amro Bank; (5) American Express Bank; (6) Barclay's Bank; (7) BNP Paribas; (8) Citibank; (9) Deutsche Bank and/or Deutsche Bank Trust Co. Americas; (10) Dresdner Bank AG; (11) HSBC Bank and (12) Bank of China;

to wit: cash, funds, freight, hire, credits and owing up to the total sum of US\$3,777,200 and any other property in whatever form belonging to defendant, including but not limited to electronic fund transfers originated by, payable to or otherwise for the benefit of defendant, whether to or from Defendant's foreign banks, or any other electronic fund transfers and that you promptly after execution of this process, file the same in this Court, with your return thereon.

WITNESS, the Honorable Kimba M. Wood, Chief Judge of said Court, this 22nd day of January, 2008, in the year of our Lord two thousand eight, and of our Independence the two hundred and thirty first.

BLANK ROME, LLP
Jeremy Harwood (JH 9012)
The Chrysler Building
405 Lexington Avenue
New York, NY 10174
(212) 885-5149
Attorneys for Plaintiff

MICHAEL McMANON
CLERK
By: 
Deputy Clerk

NOTE. This Process is issued pursuant to Rule B(1) of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure.

SDNY Form No. 2, PROCESS OF MARITIME ATTACHMENT AND GARNISHMENT

900200 00001/6544350v 1

BLANK  ROME LLP
COUNSELLORS AT LAW

FAX TRANSMITTAL FORM

Date: February 6, 2008

Re: Seatrek Trans PTE Ltd., v. Regalindo Resources PTE Ltd.,
S.D.N.Y. 08 CIV. 531 (LAP) - OUR REF. NO 129054-00601

	TO:	BANK:	FAX NO.:	CONFIRMATION NO.:
1.	P. McElveen/S. Sterling	ABN Amro Bank	(212) 409-7303	(212) 409-1601
2.	Unaddressed	The Bank of New York	(212) 693-5042	(732) 622-1063
3.	Walter Petzinger	Dresdner Bank AG	(212) 969-7844	
4.	Unaddressed	JP Morgan Chase	(917) 464-8069	(212) 552-6732
5.	Jessica Sperando	HSBC	(212) 382-7593	(716) 841-2796
6.	Ying Wang	Bank of China	(212) 832-5953	(212) 935-3101 ext. 355

From: Jeremy J.O Harwood**Phone:** (212) 885-5149**Fax:** (917) 332-3720**Email:** JHarwood@blankrome.com**Atty No.:** 05019
of Pages: 6
(include cover)
Client/Matter #: 129054-00601

ORIGINAL:		WHEN COMPLETED:	
Will Follow:		Call For Pickup:	
Will Not Follow:	x	Send Interoffice:	x

COVER MESSAGE:

Dear Ladies and Gentlemen:

Pursuant to the attached Order of the Court, we are serving the attached Process of Maritime Attachment and Garnishment concerning the above-referenced matter as initial hand service was effected on or about January 25, 2008. Kindly notify me if any funds are attached as a result.

Very truly yours,

Jeremy J.O. Harwood

CONFIDENTIALITY NOTE:

The documents accompanying this fax transmission contain information, which may be confidential and/or legally privileged, from the law firm of Blank Rome LLP. The information is intended only for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this faxed information is strictly prohibited, and that the documents should be returned to this firm immediately. If you have received this in error, please notify us by telephone immediately at the number listed above, collect, so that we may arrange for the return of the original documents to us at no cost to you. The unauthorized disclosure, use, or publication of confidential or privileged information inadvertently transmitted to you may result in criminal and/or civil liability.

TRANSMITTED BY:	DATE SENT:	TIME SENT:	TIME CALLED:
BUSY:	NO ANSWER:	WRONG NUMBER:	NO CONNECTION:

405 Lexington Avenue, New York NY 10174-0208
212.885.5000 Fax: 212.885.5001

900200.00001/6577231v1

Feb 26 2008 03:02pm PJ14/018

Fax 2126935041

BNB

(F. R. S. K. O. J.)
ORIGINAL

BLANK ROME, LLP
Attorneys for Plaintiff
Jeremy J.O. Harwood (JH 9012)
405 Lexington Avenue
The Chrysler Building
New York, NY 10174
(212) 885-5000

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SEATREK TRANS PTE LTD.,

Plaintiff,

v.

REGALINDO RESOURCES PTE LTD.,

Defendant.

07 Civ. 551 (LAP)

ORDER DIRECTING CLERK
TO ISSUE PROCESS OF
MARITIME ATTACHMENT
AND GARNISHMENT

2008 FEB-6 A 10:53

Upon reading and filing the Verified Complaint of Plaintiff, SEATREK TRANS PTE LTD ("Plaintiff"), verified on January 22, 2008 by Jeremy J.O. Harwood, Esq., that to the best of his information and belief, the Defendant REGALINDO RESOURCES PTE LTD., cannot be found within this district, and the Court having found that the conditions required by Rule B(1) of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure exist,

NOW, upon motion of Blank Rome LLP, attorneys for Plaintiff, it is hereby,

ORDERED, that the Clerk of this Court is authorized to issue the Process of Maritime Attachment and Garnishment against all assets, cash, funds, credits, wire transfers, accounts, letters of credit, electronic fund transfers, freights, sub-freights,

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ORDERED, that supplemental process enforcing the Court's Order may be issued by the Clerk upon application without further Order of the Court; and it is further

ORDERED, that following initial service by the United States Marshal or other designated process server upon each garnishee, supplemental service of the Process of Maritime Attachment and Garnishment, as well as this Order, may be made by way of facsimile transmission or email to each garnishee and, it is further,


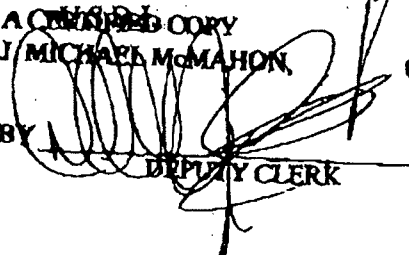
ORDERED, that service on any garnishee as described above is deemed continuous throughout the day from the time of such service through the opening of the garnishee's business the next business day; and, it is further,

ORDERED, that pursuant to Federal Rule of Civil Procedure 5(b)(2)(D), each garnishee may consent, in writing, to accept service by any other means; and, it is further,

ORDERED, that a copy of this Order be attached to and served with the said Process of Maritime Attachment and Garnishment.

Dated: January 23 2008

SO ORDERED:


A CHIEF CLERK COPY
J. MICHAEL McMAHON, CLERK
BY  DEPUTY CLERK

3466611
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SCHEDULE A

1. The Bank of New York
2. Bank of America
3. JP Morgan Chase
4. ABN Amro Bank
5. American Express Bank
6. Barclay's Bank
7. BNP Paribas
8. Citibank
9. Deutsche Bank and/or Deutsche Bank Trust Co. Americas
10. Dresdner Bank AG
11. HSBC Bank USA
12. Bank of China

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900200.00001/6610486v.1

08 Civ. 00551 (LAP)
Docket No.

THE PRESIDENT OF THE UNITED STATES OF AMERICA

To the Marshal of the Southern District of New York - GREETINGS:

WHEREAS, a complaint has been filed in the United States District Court for the Southern District of New York on the 22nd day of January, 2008 by

SEATREK TRANS PTE LTD.,

Plaintiff,

-against-

REGALINDO RESOURCES PTE LTD.,

Defendant

in a certain action for breach of a charter party alleging to be due and owing the said Plaintiff the amount of US\$3,777,200 and praying for process of maritime attachment and garnishment against the said Defendant, and

WHEREAS, this process is issued pursuant to such prayer and requires that each garnishee shall serve its answer, together with answers to any interrogatories served with the complaint, within 20 days after service of process upon it and requires that each defendant shall serve its answer within 30 days after process has been executed, whether by attachment of property or service on the garnishee.

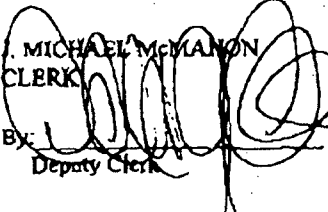
NOW, THEREFORE, we do hereby command you that if the said Defendant cannot be found within the District you attach goods and chattels to the amount sued for; and if such property cannot be found that you attach credits and effects to the amount sued for, in the hands of garnishees in this district:

- (1) The Bank of New York; (2) Bank of America; (3) JP Morgan Chase; (4) ABN Amro Bank; (5) American Express Bank; (6) Barclay's Bank; (7) BNP Paribas; (8) Citibank; (9) Deutsche Bank and/or Deutsche Bank Trust Co. Americas; (10) Dresdner Bank AG; (11) HSBC Bank and (12) Bank of China;

to wit: cash, funds, freight, hire, credits and owing up to the total sum of US\$3,777,200 and any other property in whatever form belonging to defendant, including but not limited to electronic fund transfers originated by, payable to or otherwise for the benefit of defendant, whether to or from Defendant's foreign banks, or any other electronic fund transfers and that you promptly after execution of this process, file the same in this Court, with your return thereon.

WITNESS, the Honorable Kimba M. Wood, Chief Judge of said Court, this 23rd day of January, 2008, in the year of our Lord two thousand eight, and of our Independence the two hundred and thirty first.

BLANK ROME, LLP
Jeremy Harwood (JH 9012)
The Chrysler Building
405 Lexington Avenue
New York, NY 10174
(212) 685-5149
Attorneys for Plaintiff

J. MICHAEL McMANON
CLERK
By: 
Deputy Clerk

NOTE: This Process is Issued pursuant to Rule B(1) of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure.

SDNY Form No. 2, PROCESS OF MARITIME ATTACHMENT AND GARNISHMENT

900200 00001/6544350v.1

EXHIBIT C

Kennedy, Donald

From: Kennedy, Donald
Sent: Friday, March 14, 2008 5:01 PM
To: 'Kevin McGee'
Cc: jharwood@blankrome.com; erin.schembri@bnymellon.com; robyn.monaco@bnymellon.com
Subject: RE: Seatrek Trans Pte. Ltd. v. Regalindo Resources Pte. Ltd. - SDNY 08-551 - R&H File No. 442,183-473

Kevin,
Thank you for your email.

Counsel for Seatrek Trans Pte Ltd. in their Memorandum of Law in Opposition to Defendant's Order to Show Cause stated in part on page 3:

BONY (like many other Clearing House banks) has an established policy to accept service of Rule B attachment orders, after the first hand delivery, by means of e-mail or fax, and to treat such service as effective throughout each business day on which service is made. Aff. ¶ 7. Thereafter, pursuant to BONY's agreement with Seatrek's counsel, daily service was made by electronic means. Aff. ¶ 8. (underscoring added)

Would you provide us with a copy of the agreement between BONY and Seatrek's counsel reference in their Memorandum of Law.

Don

Donald J. Kennedy
Carter Ledyard & Milburn LLP
2 Wall Street
New York, NY 10005
Direct: (212) 238-8707
Fax: (212) 732-3232
<mailto:kennedy@clm.com>
<http://www.clm.com/>

From: Kevin McGee [<mailto:KMcGee@rawle.com>]
Sent: Friday, March 14, 2008 3:50 PM
To: Kennedy, Donald
Cc: jharwood@blankrome.com; erin.schembri@bnymellon.com; robyn.monaco@bnymellon.com
Subject: FW: Seatrek Trans Pte. Ltd. v. Regalindo Resources Pte. Ltd. - SDNY 08-551 - R&H File No. 442,183-473
Importance: High

Service of Process details as mentioned in previous correspondence -

<<Seatrek - Service of Process.pdf>>

Very Respectfully,

Kevin L. McGee, Esquire
Rawle & Henderson, LLP
The Widener Building

3/18/2008

One South Penn Square
Philadelphia, PA 19107
215-575-4431 - Phone
215-563-2583 - Fax

-----Original Message-----

From: Kevin McGee
Sent: Friday, March 14, 2008 3:48 PM
To: 'Kennedy@clm.com'
Cc: jharwood@blankrome.com; 'erin.schembri@bnymellon.com'; 'robyn.monaco@bnymellon.com'
Subject: Seatrek Trans Pte. Ltd. v. Regalindo Resources Pte. Ltd. - SDNY 08-551 - R&H File No. 442,183-473
Importance: High

<<(2323877 - 1) - BNYM_3-6-08_ltr_kennedy - #473.DOC>> <<Seatrek - Redacted Wire details.pdf>> <<Seatrek - Redacted Wire details.pdf>>

Very Respectfully,

Kevin L. McGee, Esquire
Rawle & Henderson, LLP
The Widener Building
One South Penn Square
Philadelphia, PA 19107
215-575-4431 - Phone
215-563-2583 - Fax

This communication, including attachments, may contain information that is confidential and protected by the attorney/client or other privileges. It constitutes non-public information intended to be conveyed only to the designated recipient(s). If the reader or recipient of this communication is not the intended recipient, or you believe that you have received this communication in error, please notify the sender immediately by return e-mail and promptly delete this e-mail, including attachments without reading or saving them in any manner. The unauthorized use, dissemination, distribution, or reproduction of this e-mail, is prohibited and may be unlawful.

EXHIBIT D

Kennedy, Donald

From: Kevin McGee [KMcGee@rawle.com]
Sent: Tuesday, March 18, 2008 10:35 AM
To: Kennedy, Donald
Cc: jharwood@blankrome.com; erin.schembri@bnymellon.com; robyn.monaco@bnymellon.com; Carl Buchholz
Subject: RE: Seatrek Trans Pte. Ltd. v. Regalindo Resources Pte. Ltd. - SDNY 08-551 - R&H File No. 442,183-473

Don,

Daily service upon The Bank of New York Mellon (incorrectly referred to as "BONY" in your email and papers), was made in accordance with the Order of Judge Preska dated January 23, 2008:

ORDERED, that following initial service by the United States Marshal or other designated process server upon each garnishee, supplemental service of Process of Maritime Attachment and Garnishment, as well as this Order, may be made by way of facsimile transmission or email to each garnishee....

There was/is no written agreement between plaintiff's counsel and the Bank with regard to daily service of process. However, as is The Bank of New York Mellon's standard practice, where the Court's original Order permits facsimile service of process, the Bank will accept supplemental service of Process via facsimile

Very Respectfully,

Kevin L. McGee, Esquire
Rawle & Henderson, LLP
The Widener Building
One South Penn Square
Philadelphia, PA 19107
215-575-4431 - Phone
215-563-2583 - Fax

-----Original Message-----

From: Kennedy, Donald [mailto:kennedy@clm.com]
Sent: Friday, March 14, 2008 5:01 PM
To: Kevin McGee
Cc: jharwood@blankrome.com; erin.schembri@bnymellon.com; robyn.monaco@bnymellon.com
Subject: RE: Seatrek Trans Pte. Ltd. v. Regalindo Resources Pte. Ltd. - SDNY 08-551 - R&H File No. 442,183-473

Kevin,
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Counsel for Seatrek Trans Pte Ltd. in their Memorandum of Law in Opposition to Defendant's Order to Show Cause stated in part on page 3:

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Would you provide us with a copy of the agreement between BONY and Seatrek's counsel reference in their Memorandum of Law.

3/18/2008

Don

Donald J. Kennedy
Carter Ledyard & Milburn LLP
2 Wall Street
New York, NY 10005
Direct: (212) 238-8707
Fax: (212) 732-3232
<mailto:kennedy@clm.com>
<http://www.clm.com/>

From: Kevin McGee [<mailto:KMcGee@rawle.com>]
Sent: Friday, March 14, 2008 3:50 PM
To: Kennedy, Donald
Cc: jharwood@blankrome.com; erin.schembri@bnymellon.com; robyn.monaco@bnymellon.com
Subject: FW: Seatrek Trans Pte. Ltd. v. Regalindo Resources Pte. Ltd. - SDNY 08-551 - R&H File No. 442,183-473
Importance: High

Service of Process details as mentioned in previous correspondence -

<<Seatrek - Service of Process.pdf>>

Very Respectfully,

Kevin L. McGee, Esquire
Rawle & Henderson, LLP
The Widener Building
One South Penn Square
Philadelphia, PA 19107
215-575-4431 - Phone
215-563-2583 - Fax

-----Original Message-----

From: Kevin McGee
Sent: Friday, March 14, 2008 3:48 PM
To: 'Kennedy@clm.com'
Cc: jharwood@blankrome.com; erin.schembri@bnymellon.com; robyn.monaco@bnymellon.com
Subject: Seatrek Trans Pte. Ltd. v. Regalindo Resources Pte. Ltd. - SDNY 08-551 - R&H File No. 442,183-473
Importance: High

<<(2323877 - 1) - BNYM_3-6-08_ltr_kennedy - #473.DOC>> <<Seatrek - Redacted Wire details.pdf>> <<Seatrek - Redacted Wire details.pdf>>

Very Respectfully,

Kevin L. McGee, Esquire
Rawle & Henderson, LLP
The Widener Building
One South Penn Square
Philadelphia, PA 19107
215-575-4431 - Phone

3/18/2008

Donald J. Kennedy
Gary D. Sesser
Laura A. Reeds
CARTER LEDYARD & MILBURN LLP
2 Wall Street
New York, NY 10005
Tel: (212) 732-3200
Fax: (212) 732-3232
Attorneys For Defendant Regalindo Resources Pte Ltd.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	
SEATREK TRANS PTE LTD.,	:
	:
	:
Plaintiff,	:
	:
	:
v.	:
	:
REGALINDO RESOURCES PTE LTD.,	:
	:
	:
Defendant.	:
-----X	

08 CIV 00551 (LAP)


CERTIFICATE OF SERVICE

I am over the age of eighteen years, am not party to this proceeding and am employed as an Assistant Managing Clerk with the law firm of Carter Ledyard & Milburn LLP. I hereby certify that on the 21st day of March 2008, I caused true and correct copies of the annexed Supplemental Affidavit of Donald J. Kennedy to be served by hand upon the following:

JEREMY O. HARWOOD
Blank Rome LLP
The Chrysler Building
405 Lexington Avenue
New York, New York 10174

And that in addition to the above, I caused a true and correct copies of the annexed document to be dispatched by Federal Express to the following:

KEVIN L. MCGEE
Rawle & Henderson LLP
The Widener Building
One South Penn Square
Phildadelphia, PA 19107



Antonio Malaspina